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SOME
OBSERVATIONS
ON
National Treaties, &c.

 O expose the Writers against the Government we will not only examine into the Unjustness of their present Clamours, but point out some of their passed Errors when they have presumed to foresee Consequences which, in their Opinion, were likely to happen from the Situation of Affairs at that Time.

Two Years since, when the Settlement of *Don Carlos* in the *Italian* Dominions was the Subject of Dispute, a grave Politician said, *

* In a Pamphlet intituled *the Case of the HESSIAN Forces in the Pay of GREAT BRITAIN impartially and freely examined, &c. in Answer to a late Pamphlet intituled Considerations on the present State of Affairs, &c.*

it is extremely probable that the Introduction of the SPANIARDS will be followed by Invasions on the Emperor's Dominions. The Equity of this Succession has often been shewn, and this Prophecy is hitherto incomplete. I shall here enter into the Nature of Treaties in General, and into the Guaranty of this Succession in Particular, and thereby shew the Want of Judgment or Honesty in those who represent all our Treaties as the Effects of Maleadministration.

Why must an Invasion on the Emperor's Dominions be the Consequence of the Introduction of *Spanish* Forces into *Italy*? Must we always expect, in Alliances, that one Party will break through the solemn Engagements which the Treaty of Nations lays him under? No surely; we should suppose the confederate Powers too tenacious of their Honour to break through the sacred Ty of national Covenants; and, though we know
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some Examples of unfaithful Allies, we must not believe all capable of Violation of Treaties, nor that the same Kingdom which has been formerly guilty of such Breaches will be always so; for if we should act on such Principles we must never enter into any Treaties; and I am sure that the History of our own Country affords us many Instances of Treachery of this Kind, and particularly that of the Reign of King *Edward the third*; which Prince never observed a Treaty when either his Interest, or Passions, prompted him to break it; yet I should be sorry if such Examples deterred other Nations from entering into any Leagues with us. In these Cases Nations should act like private Men; when we receive a Bond from our Neighbour, we should not conclude that he will disappoint our Expectations in the Execution of it, but that he will acquit himself with Honour; and if he does not, he must submit

to the Penalty annexed to such Breach of Faith, Very often a Contract is made betwixt two Persons, and at the Time of making it both are able to answer the Contents of it; but, by some unlooked for Accident, one Person may be rendered incapable of keeping to his Contract, in such a Case Allowances are to be made: the same may happen in national Treaties: and in those a Punishment is provided for the offending Party: but let us suppose that *Don Carlos*, one Time or other, may be inclined to encrease his Dominions: what then? Natural Policy will teach him not to kindle a War where he is to establish his Throne, and thereby make his Allies his Foes, and so hazard a Certainty for an Uncertainty. What an excellent Method of reasoning this Author pursued! He first laid down a Supposition of an Accident not likely to be, and then reasoned on the Consequences which his own political Head

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Head drew from it. Since these judicious Politicians foretold *that the Introduction of the SPANIARDS into Italy* would, probably, be followed by *Invasions on the Emperor's Dominions*, it will not be unreasonable here to observe that the Emperor has declared his Approbation of the Settlement of *Don Carlos*, and Affairs betwixt them are amicably adjusted.

Of the Law against Riots, and of the Doctrine of Passive Obedience and Nonresistance.

I SHALL now consider what the *Craftsman* advanced *, against the Law to prevent Riots ; and I shall likewise examine into his Motives for being strenuous in pressing the Repeal of that Law. He allows the Necessity of the Act when the late King first came to the Throne, and asks *if it had been made for a Year, whether it would not have had the same Effect ?* To which I answer, No : it

* About two Years since,

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being now in Force terrifies him, and other ill-disposed Persons, from riotous Proceedings. I have, more than once, seen the good Consequences of this Act; and, not long since, I saw a Mob dispersed by the Appearance only of an Officer, whom they suspected to have come to read the Proclamation against Riots; but *reading a Proclamation*, says this Author in his prophetic Style, *shall in all future Time, give the Crown a Power of hanging up their Subjects by Wholesale.* This Period is full as reasonable as it is grammatical. By the same Sort of Logic we may argue thus. The King has a negative Vote in Parliament: therefore future Kings may exert it against every Bill that is for the Advantage of the Subject; and therefore the Crown should no longer have that negative Vote.

A Playhouse, says the same penetrating Writer, *or any other Place, where Numbers of People meet*

meet, may be converted, by an officious Justice of Peace, and these Hocus Pocus Words, into a rebellious Assembly. I suppose he means the Proclamation by *Hocus Pocus*; for whatever the Word *these* is a Relative to it must be understood, for it is not mentioned. Can any thinking Man imagine that any Magistrate, since all Magistrates know Male-administration to be penal, would read or cause the Proclamation to be read, where a Congregation of People are without any Appearance of Riot or Disturbance of any Kind? The Man that is capable of exhibiting such childish, cavilling, Stuff as this to the Public for Argument, only with an Intent to keep up the Spirit of Faction, ought to receive one Lash for his Wickedness and another for his Folly.

Immediately after he goes on to shew the Weakness of People who pay Obedience to Laws. *What is it,* says he, *that we Whigs* (What

a Wolf is here in Sheep's Cloathing!) *have always reproached the Tories with? Is it not their Principle of Passive Obedience and Non-resistance?* A pretty Fellow truly to spirit up the King's Subjects to fly in the Face of the Government! What such *Whigs* as *he* mean by *Passive Obedience*, and *Non-resistance*, I cannot tell; but I know what *We* Whigs mean by those Words. When *We* talk of *Non-resistance* as a Folly, and as a Crime, *We* mean when an implicit Obedience is paid to a Prince only because he is a Prince; let his Commands be as unreasonable, and as severe, as the tyrannical Mind of Man is able to devise, Resistance would be a Crime, the heavy Hand of God would be over those who should presume to resist his anointed: such are the Doctrines which *Parker*, in his *Ecclesiastical Polity*, and other Propagators of such flavish Sentiments, maintained; and such are the Doctrines which *We*
Whigs

Whigs call foolish and wicked, and for which we reproach, or rather laugh at, the Tories. *Passive Obedience* to Laws made on a solid and pure Foundation, to give Peace to Mankind, and to keep Vice in Awe, *We* Whigs call a Virtue; and indeed the folly would be so great in resisting such Laws that we could not easily find a Name for it. This is the real Difference betwixt the Opinions of the Whigs and Tories concerning *Passive Obedience*.

From the preceding Pages two material Circumstances appear, 1st, the Inability of the Writers against the Government to Reason, 2^d, their Resolution to oppose all the Measures which are pursued by the Ministry; for I think they never could have been angry at the Law against Riots, unless they foresaw some Danger from it to themselves. Their present Clamours, about Excise, sufficiently demonstrate to me their Inclination to raise a Fer-

ment in the Nation ; and every one therefore may see how repugnant that wholesome Law against Riots is to their Design. * Much has been said on both Sides about Excise ; notwithstanding which I shall submit some few Thoughts to the Public, which may contribute towards setting the Minds of unprejudiced Persons right, on that Subject.

* One of our weekly Incendiaries has lately attempted to instigate the People to murder the Minister, Prince, and any, that they happen to conceive a Dislike to ; what Lengths therefore may we not suppose such a professed Assassin would give into, if this wholesome Law was not in Force? See *Fog's Journal*, February 10, 1733.



An impartial Enquiry into the present Question concerning Excise; in which the Advantages arising to the King and Subject, from raising Duties by Excise, are demonstrated, and the Objections thereto obviated.

THE Enemies to the Government have raised, and propagated, a Clamour about Excise, as if every Commodity in the Kingdom was going to be laid under some Duty or other; and all their seditious Proceedings on this Head are merely to distress the King and his Ministry, and to divert the legislative Power from such Measures as may secure the Payment of the King's Revenues without molesting any of his Subjects: a clear and concise State therefore of the Question in Debate, without entering on the ingrateful Work of answering any of their scurrilous Libels, will be highly necessary for
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the Satisfaction of the Public in General and of the trading Part of this Kingdom in Particular, and for the Sake of shewing the false Suggestions of a Set of Men who are not only in Enmity with their Prince and the present Administration, but apparently Foes to the Community. To warn the People against a real approaching Evil is a Virtue; but to stir up Jealousies and Commotions, under a pretended Apprehension of impending Danger, is a Crime of the highest Nature, and especially when what they represent as an Ill is intended, as it will prove, a real Benefit to Prince and Subject. Who are Friends, and who are Enemies, to this Nation will, I doubt not, appear from the following Examination into the present Question concerning Excise.

The present Question concerning Excise is; *Whether the Duties already lay'd on Wines and Tobacco would not, if collected by EXCISE,*
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be more advantageous to the King and People than if continued being raised by Custom. This is really the Question now in Debate; they therefore who have raised, and spread, the Report of a future general Excise, can have no other View but to incense the People against the King and his Administration; to effect which they found it necessary to make their Countrymen believe that a Project was carrying on that never was so much as thought of: when they had infused this Notion into the People, their Business was to shew how pernicious such a Project is to their Interests.

The Question being thus fairly stated as I have here represented it, the Reader must first divest himself of the Prejudices which he had conceived by the wicked Misrepresentations of the Enemies to the Government and Nation, and then maturely weigh the Advantages and Disadvantages, against
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one another, which will arise from the Change of the Manner of collecting these Duties.

As I say'd before, I shall not pretend to answer any of the scurrilous Libels which have been published on this Occasion, but I will point out the Profits which must arise from this Change in the Manner of collecting these Duties as they occur to me, while I am thinking, with an uninterrupted Attention, on this Subject: my Arguments I will divide into three Heads, *1st. as they regard the King, 2^d. as they regard the Subject, and, 3^{dly}, I will obviate the Objections which are likely to be started.*

I. Advantages arising to the King.

As these Duties were lay'd on these Commodities to answer some End, the King has just Reason to expect a punctual Payment of them. Experience has shewed us, by frequent, by almost daily repeated, Instances, that the King has been defrauded of a considerable Part of the Duties which

which would arise from these Commodities if honestly pay'd; a more certain Way of collecting them is therefore to be propos'd; which is judged to be by Excise. How easy the Payment of the Duties by *Custom* is to be evaded the common Practice of running Goods sufficiently testifies; and how that Evil is to be remedy'd by Excise will appear by the following Arguments. As the Trader, who deals in excised Goods, is answerable for all his Stock, he is not likely to run the Hazard of the Penalty annexed to his Offence, when he considers the Difficulty of deceiving the Officers of Excise. As an Exciseman can go into any House at any Hour, even in the Night on a just Pretence, there can be no Hour in which the Trader can be positively secure of his Absence; therefore his Fear would prevail over any dishonest Inclination that might arise: from whence it appears that the King is not very likely to be defraud-

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frauded of his Due without a Combination of Master, Servants, and Exciseman ; which is almost impossible ; for as Excisemen are ordered to change their Walks, the Succession of one to another in the same Places renders it scarcely practicable for the Trader to bribe them all, especially as we must suppose it cannot be a Trifle that would tempt a Man to hazard the Loss of his Place ; moreover the Uncertainty of a Servant's being tenacious of a Master's Secrets, of his being Proof against the Reward that may be offered by Law to the Detector of such Frauds, would be no small Check on the Master ; and the greater the Number to be concerned in the Combination, the greater the Difficulty.

Now I have shewed the Advantages arising to the King from these Duties being raised by Excise, I proceed to point out the Advantages arising to the Subject therefrom.

II. *The*

II. *The Advantages arising to the Subject.*

While the clandestine Trade of Smuggling is carried on, the King is defrauded of his Due by the Smuggler's avoiding the Payment of *Custom*; and the fair Trader is injured by Smuggling, because Persons who run Goods can afford to undersell the Merchant who pays *Custom*, and they who buy those Goods of the Smugglers can afford to undersell the fair Trader who buys of the Merchant. Now if I can prove that these Commodities, Wines and Tobacco, being lay'd under Excise will prevent the clandestine and prejudicial Traffick of Smuggling, the Advantages arising to the fair Trader, as well as to the King, will naturally follow. If these Commodities are lay'd under Excise, to what Purpose should any one carry on a clandestine Traffick, as that of Smuggling is, when he may have the same Advantages by an open Trade?

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They who formerly bought of Smugglers will not have the same Reasons for dealing with clandestine Traders as they had before, because the Goods being housed will be no Protection from paying Duties, they being answerable for all their Stock; and the Difficulty of a Trader's avoiding the Payment of Excise I have shewed under the preceding Head. By these Means the fair Trader is not in the same Danger, in which he was before, of being underfold by clandestine Dealers. Join to these Advantages the many Outrages, I may say Murders, which have been committed by Smugglers, and those in Combination with them, to conceal their Frauds, and protect themselves from Justice, Crimes of which Nature on the same Occasions will be avoided by these Commodities being lay'd under Excise. The smuggling Trade has arrived to such a Heighth that they proceed in Clans; and they have been so tumultuous and
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formidable that an armed Force has been often necessary to reduce them. I now proceed to my third Head.

III. *Objections obviated.*

The principal Objection that has been made against Excise is, *that it is dangerous to the Liberties of the People*; and the Dangers to which the People have been said to be subjected thereby may be ranged under three Heads, 1st, *the Inconveniencies to which Traders in exciseable Goods are liable by the unseasonable Intrusion of Officers*, 2d, *the Influence which Officers of the Excise may have over such Traders in Elections of Members of Parliament*, and, 3dly, *the Partiality which is likely to be shewed by the Commissioners of Excise, who, they say, are to be Judges in Cases relating to Excise*. Under these three Heads come the chief Objections which have been, or can be, started; and even these are ridiculous in the Judgement of a sober
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thinking Man ; but, as ridiculous as they are, I will obviate them, for the Sake of disarming the scandalous Libellers of the Government of these poor and weak Evasions.

1st, *The Inconveniences to which Traders in exciseable Goods are liable by the unseasonable Intrusion of Officers.* I will venture to affirm that none but such Persons as ought to be liable to such Inconveniences will be liable to them ; for the fair Trader who is resolved to pay the King his Duties, and who behaves unexceptionably just in his Business, will never lay himself under any Suspicion, and therefore will be seldom visited at unseasonable Hours by the Officer ; and when he shall happen to be called upon at any unusual Hour, instead of being offended, he will be pleased with giving Testimonies of his Probity : and what is the Trouble which such an unusual Visit may occasion ? Perhaps his getting out of his Bed ; and, if he is not well, or has not
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an Inclination to rise, his Servant will answer the End of the Officer's coming as well. Will any reasonable and unprejudiced Person offer seriously to oppose such a Trouble as is here mentioned, and that to happen but seldom, to the great Advantages visibly arising from turning these Duties into another Channel? And are not those Persons who have Reason to dread what they call an unreasonable Intrusion the very Persons who ought frequently to be visited at unexpected Hours? Every honest Man, I am persuaded, will answer no to the first, and yes to the last, Question. As for the Insults which are talked of as likely to happen from Excisemen, they are too foolish to speak of, since every one, that is not an Ideot, knows that they are subject to the same Penalties annexed, by Law, to Offences, as other Men are. Among the Advantages I believe I may mention the Likelihood of drinking wholsomer Wines than
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are usually drank in Taverns now; which is a Circumstance not unworthy Consideration, if the Health of the Community is worth regarding.

2d, *I come now to speak of the Influence which Officers of the Excise may have over such Traders in Elections of Members of Parliament.* Officers of the Excise can not possibly have any Influence over the fair Trader; for he that has no Reason to fear his Inspection into his Stock is above being influenced by him: moreover, they who talk of trading People being influenced by an Exciseman talk as if they mistook the Quality of an Exciseman; for most reputable Traders are so far from being influenced by one of so low a Station that they look on themselves as his Superiors, and will scarcely condescend to listen to him in such Cases. Who are the People in Danger of being influenced by him? Those, will our Adversaries say, who are inclined

ed to cheat the King of his Duties? If those are the People to be influenced, it must be thro the Hopes of the Exciseman's Connivance at their fraudulent Practices, or rather by his Promise; but it is so monstrously foolish a Suggestion, to suppose that every Exciseman thro the Kingdom should have a secret Commission of such a Nature, that it could not possibly enter the Mind of a clear-headed Man: besides, how are these turbulent Opposers sure, that a Clause will not be added, in the Act, that may be made for collecting these Duties by Excise, which will make it penal for any Officer concerned in collecting these Duties to interfere in Elections. In an Act of the 9th of Queen *Ann* the Sum of an hundred Pounds is made the Forfeit on such an Occasion.

3d. Let us now enquire into *the Partiality which is likely to be shewed by the Commissioners of Excise, who, they say, are to be*

D. Judges

Judges in Cases relating to Excise.
 This Objection may perhaps be removed by a Clause in the Act, that shall bring all Causes relating to Excise into *Westminster-Hall*; if so, and I am informed that it will be so, no other Answer is needful to this Objection: however I will examine into the Unjustness of this Objection, supposing the Commissioners of Excise should be continued Judges in such Causes. The Commissioners of Excise are generally Gentlemen, and Men of Honour, and proper Judges of the Causes which are brought before them, and above being sway'd by a mean Partiality to their under Officers: and why should they be partial? Their Profits are not encreased thereby: but let us appeal to Facts, as the best Arguments here. The Commissioners of Excise frequently mitigate the Fines, with which the Offender is first loaded, down to a Trifle, and always maturely weigh the Nature of the Cause that is brought

brought before them; and when they fine any Person for clandestine Dealings to avoid paying the King's Duties, and afterwards insist on the Fine, they seldom load him with a Fine equal to the Gains which he has acquired by his unfair Dealings, so tender are they of the Subject's Wellfare. The following Fact I will venture to relate, because I am myself sure of the Truth of every Circumstance in it.

A certain Soapboiler, in *London*, not long since, had a great While carry'd on a clandestine Trade, by making more Soap up Stairs than he did below where the Officer was accustomed to go; which was discovered by the Copper happening to boil over one Day while the Officer was below, and some of the Soap dropping thro the Chinks of the Boards; the Officer then ran up, and discovered the Business. The Soapboiler was brought to his Tryal, and the Commissioners fin-
ed him five hundred Pounds; which
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he gladly pay'd, having gained near fifteen hundred in the Time in which he carry'd on that clandestine Business. Let me ask our Adversaries these few Questions on this Occasion. Is this Person a fit Object of Suspicion? And is it proper, after this, for the Officer to intrude upon him at unexpected Hours, three or four Times in a Year? Did no fair Trade suffer by this Person, who could afford to undersell his Neighbours, and did?

Thus, I think, I have answered my End; which was *to point out the Advantages arising to the King and Subject from turning these Duties into Excise, and to obviate the Objections likely to be started;* which I have done without the unpleasant Work of answering the scurrilous billingsgate Libels which have been published on the other Side; a Condescension which I chose to avoid, and which would have made me more prolix than I should have cared to have been.

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